REMARKS

By the foregoing amendments, Applicant has amended claims 1, 17-28, and 32-44 and has added new claims 45-61. After these amendments, claims 1-61 are pending in the application.

The amendment to claim 1 has been made to specify which value of aggregated usage is intended as the basis for the payments. As the table that bridges the specification's pages 19 and 20 shows, the "aggregated usage" can have more than one value for a given period. That table also reveals that, for a given time period, the updated aggregate usage, on which the payment value is based, is in all cases at least as great as the greater of the cumulative commitment through that period and the cumulative actual usage through that period. Claim 1's amendment recites this feature.

Previously independent claims 17 and 32 now depend on new independent claim 52, and the claims that depend on them have been revised to reflect those changes. The three newly added independent claims, namely, claims 45, 52, and 57, provide alternative scopes, reciting their features in terms of "pre-update" and "updated" values of aggregated usage. (For consistency with the table motioned, a period's final aggregated-usage value is referred to as the "updated" value even though, as the table's last two columns indicate, there sometimes is no updating.)

Newly added dependent claims 46, 53, and 58 define what can be thought of as "ratchet" versions of the subject matter that their respective independent claims define. In these versions, a given period's updated aggregated usage must always exceed the previous

period's by at least the given period's actual usage and can therefore be greater than both the cumulative actual usage and the cumulative commitment. In contrast, newly added dependent claims 49, 55, and 60 define what can be thought of as "non-ratchet" versions, in which the updated aggregated usage for a period always equals that period's cumulative commitment or its cumulative actual usage, whichever is greater. The specification gives examples of these two version types; in the above-mentioned table, the last three columns' numbers in parentheses in rows 16 through 20's represent non-ratchet-version results, while those without parentheses represent ratchet-version results.

Respectfully submitted,

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